

ADVISORY OPINION 94-017

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

September 23, 1994

Ms. Yvonne Rovira
Common Cause/Kentucky
2100 Gardiner Lane
Suite 104B
Louisville, Kentucky 40205

Dear Ms. Rovira:

Thank you for contacting the Registry of Election Finance. Based upon all the information you have provided both in your August 30, 1994, letter and by telephone, the facts set forth in your letter may be stated as follows:

Common Cause/Kentucky (hereinafter "CC/K") "is a 501(c)(4) non-profit corporation dedicated to campaign finance reform..." CC/K would like to host a forum for public figures, some of whom are potential gubernatorial or lieutenant gubernatorial candidates in the 1995 elections. CC/K would spend approximately \$200.00 to host this forum. The forum would take place in the Old Capitol Building, in Frankfort, Kentucky, without rent charged for the use of the building. CC/K expects approximately 200 people to attend the forum in addition to media coverage. CC/K has invited some 14 public figures to speak and is considering charging a fee of \$25.00 per speaker.

Based on the information you provided, your question may be stated as follows:

May CC/K conduct the forum in question without violating Kentucky campaign finance laws?

The Registry's primary responsibility is to ensure compliance with Kentucky campaign finance laws. The Registry does not, however, have jurisdiction over a person, an entity, or a group unless one or more is involved in advancing money, service, or value to a candidate in violation of campaign finance statutes.

We find the case of Kentucky Registry of Election Finance v. Louisville Bar Assoc., Ky., 579 S.W.2d 622 (1978) directly applicable to the question raised in your letter. CC/K's objective to inform the public, by hosting a public forum, is the same objective as that of the Louisville Bar Association. In that case, the Louisville Bar Association purchased newspaper advertising to publish the results of its judicial qualification poll. The Association believed it had a duty to inform the public, through the news media, about the qualifications of judicial candidates running for office. Id. At 624. The Registry had argued that this action violated Section 150 of the Kentucky Constitution and KRS 121.025 which prohibit corporations, either directly or indirectly, from contributing money, service, or other thing of

value to benefit a candidate seeking public office. The court ruled in favor of the Louisville Bar Association, because the poll did not advocate the election of any judicial candidate.

Provided CC/K does not give any money, service, or value to any candidate, CC/K would not be in violation of KRS 121.025 or Section 150 of the Kentucky Constitution. CC/K's only purpose in hosting a public forum is to inform the electorate about gubernatorial candidates. Therefore, any value given would extend to the public. If a gubernatorial candidate benefits from the forum, it would be because the candidate distinguished him or herself. Therefore, the Registry does not have jurisdiction over CC/K based upon the facts presented in your letter.

If you should have any questions, please give us a call. Thank you.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db